IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 18TH JULY 2007 / 27TH ASHADHA 1929

WP(C).No. 22123 of 2007(H)

AGAINST THE ORDER IN EA 244/2005 IN OS.290/2004 of PRL.SUB COURT,IRINJALAKUDA
.....

PETITIONER:

C.D.SHAJI,
S/O.DAMODARAN, AGED 47 YEARS,
CHERAKALAM HOUSE, IRINJALAKUDA.

BY ADV. SRI.RENJITH THAMPAN
SMT.P.A.ANITHA

RESPONDENTS:

ABHIMAN KURIES (P) LTD.,
IRINJALAKUDA.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N. KRISHNAN, J.

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W.P.C. NO. 22123 OF 2007

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Dated this the 18th day of July, 2007.

J U D G M E N T

This writ petition is filed against the refusal of the recalling of warrant by the Court below on failure to pay the decree amount. I am informed that the decree amount comes to more than Rs.1,47,000/- and an amount of Rs.29,000/- has already been paid. The learned counsel would submit that his client is not in a position to pay the entire amount in lump sum on account of the financial constraints and therefore prays for a breathing time. The decree holder is a kuri company. The amount due was on account of the forfeiture of the bond after receipt of the kuri amount. I feel a reasonable time can be granted to him and therefore the writ petition is dispose of as follows.

(1) The learned Subordinate Judge, Irinjalakuda is directed to recall the warrant issued against the writ petitioner.

(2) The writ petitioner is directed to make the payment due under the decree debt in six monthly equal installments commencing from 20.8.2007. If he commits default of payment of any two consecutive installments, the benefit given to him shall stand forfeited and the decree holder will be at liberty to execute the decree by detaining him in civil prison.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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